

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2012 Legislative Session**

**Legislative Day No. 4**

03/29/2012

**HOWARD COUNTY TO WIT:**

The Chairman called the legislative session to order at **7:33** p.m.

Mary Kay Sigaty, Chairperson; Courtney Watson, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Jennifer Terrasa, Council Member, were present.

Stephen LeGendre, Administrator to the County Council; James Vannoy, Assistant County Attorney; Jennifer Sager, Legislative Coordinator; and Jeff Meyers, legislative analyst were also present.

**APPROVE JOURNAL**

The Chairperson moved to approve the journal for Legislative Day No. 3, March 5, 2012. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the journal passed.

**APPROVE MINUTES**

The Chairperson moved to approve the minutes for the Legislative Public Hearing – March 19, 2012. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

The motion to approve the minutes passed.

**INTRODUCTION OF LEGISLATION**

The Chairperson moved to amend the agenda to include late filed resolution CR 46-2012. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa, and Watson.

The agenda was amended.

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

### **Appointments**

Council Resolution 29-2012 - A RESOLUTION confirming the appointment of Chinwe Calista Adetula to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 30-2012 - A RESOLUTION confirming the appointment of Deborah Jean Fleischmann to the Commission on Aging.

Council Resolution 31-2012 - A RESOLUTION confirming the appointment of G. Scott Harding to the Board of Electrical Examiners.

Council Resolution 32-2012 - A RESOLUTION confirming the appointment of Helen H. Liu to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 33-2012 - A RESOLUTION confirming the appointment of Ivette Lopez to the Human Rights Commission.

Council Resolution 34-2012 - A RESOLUTION confirming the appointment of Julia Mattis to the Commission on Aging.

Council Resolution 35-2012 - A RESOLUTION confirming the appointment of Otha Myles, M.D. to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 36-2012 - A RESOLUTION confirming the appointment of Sharon Schwemin to the Howard County Animal Matters Hearing Board.

Council Resolution 37-2012 - A RESOLUTION confirming the appointment of Thomas Stanitis to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 38-2012 - A RESOLUTION confirming the reappointment of Carol A. Beatty to the Howard County Local Children's Board.

Council Resolution 39-2012 - A RESOLUTION confirming the reappointment of Jacqueline Morais Easley to the Planning Board.

Council Resolution 40-2012 - A RESOLUTION confirming the reappointment of Naureen Elahi to the Environmental Sustainability Board.

Council Resolution 41-2012 - A RESOLUTION confirming the reappointment of Pamela K. Grady to the Howard County Local Children's Board.

Council Resolution 42-2012 - A RESOLUTION confirming the reappointment of Saba S. Sheikh, M.D., F.A.C.P. to the Commission on Aging.

Council Resolution 43-2012 - A RESOLUTION confirming the reappointment of Sang Kyun Shin, M.D. to the Commission on Aging.

Council Resolution 44-2012 - A RESOLUTION confirming the reappointment of Daniel E. Tracy, Jr. to the Recreation & Parks Board.

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### **Financial**

Council Bill 11-2012 - AN ORDINANCE authorizing and empowering Howard County, Maryland to issue and sell its refunding revenue bonds, as limited obligations and not upon its full faith and credit in the aggregate principal amount of up to \$6,200,000 in order to refund all of the County's Golf Course Refunding Revenue Bonds, 2003 Series A, which financed or refinanced the costs of the Timbers at Troy golf course; providing that such refunding bonds or other obligations be payable from funds and revenues received from or in connection with such golf course and other funds that may be made available under a financing agreement; providing for the private (negotiated) sale of the bonds; authorizing the execution of a financing agreement; approving the form, manner and tenor of the bonds; authorizing the County Executive to specify, prescribe, determine, provide for or approve certain matters, details, documents or procedures; authorizing the establishment of a debt service reserve fund with respect to the bonds; and providing for and determining various matters in connection therewith.

SAO6-FY2012 - AN ACT transferring \$110,000 from the General Fund, Contingency Reserve to the Department of Recreation and Parks for the Hazardous Tree Removal Program.

SAO7-FY2012 - AN ACT transferring \$9,975 from the Grants Fund, Contingency Reserve to the Department of Public Works for the purchase of an Earth Tub Composter.

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### **General**

Council Bill 10-2012 – Introduced by Calvin Ball, Co-sponsored by Mary Kay Sigaty, Jennifer Terrasa and Courtney Watson. AN ACT permitting a homeowners association or common ownership community to submit certain documentation that a unit owner seeking a County issued rental license is delinquent on certain fees or violating certain bylaws or covenants; permitting the denial of rental license applications for failing to pay fees or other obligations to the association or community; permitting the denial of a rental license renewal request for failing to pay fees or violating obligations to the association or community; authorizing the Director of the Department of Licenses, Permits and Inspections to suspend or revoke a rental housing license if a homeowners association or common ownership community provides certain documentation indicating a unit owner with a rental license is delinquent on fees or other

obligations to the association or community; authorizing the Director of the Department of Licenses, Inspections and Permits to revoke a rental license for false statements on an application; and generally relating to homeowners association and common ownership community fees and obligations, and rental housing licenses.

Council Bill 12-2012 - AN ACT adopting the International Building Code, 2012, the International Residential Code, 2012, the International Mechanical Code, 2012, and the International Energy Conservation Code, 2012; providing that such codes collectively comprise the Howard County Building Code; regulating the design, construction, alteration, improvement, or modification of a building, structure, or other related equipment; adopting certain local amendments to the Building Code; adopting penalties for the violation of the Building Code; making certain technical corrections; and generally relating to building and construction regulations in Howard County.

Council Bill 13-2011 - AN ACT adopting the 2011 National Electrical Code as the Electrical Code for Howard County; regulating the design, construction, alteration, improvement or modification to electrical equipment; adopting certain local amendments to the Electrical Code; and generally relating to the electrical requirements in Howard County.

Council Resolution 45-2012 - A RESOLUTION adopting Howard County's Annual Action Plan for housing and community services to qualify for the receipt of federal Community Development Block Grant and Home Investment Partnership Program funds.

Council Resolution 46-2012 – Introduced by the Chair - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on May 23, 2012.

## **FINAL CONSIDERATION**

### **Appointments**

Council Resolution 17-2012 - A RESOLUTION confirming the appointment of Rosemary Brown Beakes to the Howard County Local Children's Board.

Council Resolution 18-2012 - A RESOLUTION confirming the appointment of Mickey Day to the the Howard County Agricultural Land Preservation Board.

Council Resolution 19-2012 - A RESOLUTION confirming the appointment of Connie M. Molter to the Howard County Animal Matters Hearing Board.

Council Resolution 20-2012 - A RESOLUTION confirming the appointment of Mary Jo Neil to the Commission for Women.

Council Resolution 21-2012 - A RESOLUTION confirming the appointment of Paula M. Schultz to the Howard County Animal Matters Hearing Board.

Council Resolution 22-2012 - A RESOLUTION confirming the appointment of Ligeia Shin-

Zeruto to the Howard County Commission for Veterans and Military Families.

Council Resolution 23-2012 - A RESOLUTION confirming the appointment of Stan Vornovitsky, Ph. D., to the Commission on Aging.

Council Resolution 24-2012 - A RESOLUTION confirming the appointment of Lauren G. Wylie to the Commission on Aging.

Council Resolution 25-2012 - A RESOLUTION confirming the reappointment of Shirley Barber to the Howard County Local Children's Board.

Council Resolution 26-2012 - A RESOLUTION confirming the reappointment of Franklin V. Eastham, Jr. to the Human Rights Commission.

Council Resolution 27-2012 - A RESOLUTION confirming the reappointment of Lynn Parlett Moore to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board.

Council Resolution 28-2012 - A RESOLUTION confirming the reappointment of Deborah St. Lawrence Thompson to the Howard County Local Children's Board.

The Chairperson moved to table CR17-2012, CR18-2012, CR19-2012, CR20-2012, CR21-2012, CR22-2012, CR23-2012, CR24-2012, CR25-2012, CR26-2012, CR27-2012, and CR28-2012. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to table passed.

### **Financial**

SAO5-FY2012 - AN ACT transferring \$53,402 from the Grants Fund, Contingency Reserve to the Department of Corrections for the State Criminal Alien Assistance Program.

The Chairperson moved to approve SAO5-FY2012. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

SAO5-FY2012 was passed.

### **General**

The Chairperson moved to remove CB7-2012 from the Table. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

CB7-2012 was removed from the Table.

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Council Bill 7-2012 - Introduced by the Chair at the request of Cynthia Lynn and David Lynn - AN ACT amending the Howard County Zoning Regulations to amend the Conditional Uses Section to establish a new Conditional Use category that allows boutique hotels under certain conditions; and generally related to boutique hotels.

The Chairperson moved to approve CB7-2012. The motion was seconded by Ms. Watson.

The Chairperson moved to approve Amendment 1 to CB7-2012. The motion was seconded by Ms. Watson.

#### **Amendment 1 to Council Bill 7-2012**

**BY: Mary Kay Sigaty**

**Legislative Day No: \_\_\_**  
**Date: March 29, 2012**

#### **Amendment No. 1**

*(This amendment would amend the bill to do the following:*

- 1. Change the name of Boutique Hotel to Guest House;*
- 2. Remove the sentence that allows guests to use the outdoor space;*
- 3. Give more specific criteria to the Hearing Examiner with respect to indoor events;*
- 4. Require the establishment to post rules about noise;*
- 5. Require the Hearing Examiner to place limitation on the hours of trash collection and deliveries;*
- 6. Change the maximum number of rooms from 20 to 19;*
- 7. Require that parking occur on paved surfaces; and*
- 8. Remove the location restriction on any new Guest Houses).*

On the title page, in lines 2 and 3 of the title, strike “boutique hotels” and substitute “guest houses”.

On page 1, strike line 7 in its entirety and substitute “Numbers 24-58 to be 25-59”. On the same page, in line 12, strike “11” and substitute “25”.

On pages 1 and 2, strike line 22 on page 1 through line 25 on page 2, and insert the following:

“25. GUEST HOUSE

A CONDITIONAL USE MAY BE GRANTED IN THE R-12 DISTRICT FOR A GUEST HOUSE, PROVIDED THAT:

- A. THE MINIMUM LOT SIZE SHALL BE 1 ACRE. THE MAXIMUM LOT SIZE SHALL BE 2 ACRES. THE PARCEL SHALL HAVE FRONTAGE ON AND DIRECT ACCESS TO AN ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN.
- B. ACCESSORY LIMITED OUTDOOR SOCIAL ASSEMBLY USES ARE NOT PERMITTED.
- C. THE HEARING AUTHORITY SHALL ESTABLISH LIMITATIONS ON THE SIZE AND FREQUENCY OF INDOOR EVENTS WITH FOOD AND DRINK, CONSIDERING THE SIZE, DESIGN AND LOCATION OF THE FACILITY IN RELATION TO NEIGHBORING PROPERTIES. THE GUEST HOUSE SHALL POST RULES TO PREVENT GUEST NOISE FROM DISTURBING NEIGHBORS.
- D. THE HEARING AUTHORITY SHALL ESTABLISH LIMITATIONS ON THE HOURS FOR TRASH COLLECTION AND DELIVERIES.
- E. THE FRONT SETBACK FOR PARKING SHALL BE THE SAME AS THE FRONT SETBACK FOR STRUCTURES.
- F. THE OWNER OF THE GUEST HOUSE SHALL RESIDE ON THE PROPERTY. THE HEARING AUTHORITY MAY PERMIT THE OWNER TO RESIDE OFF-SITE AND ALLOW A SPECIFIC OWNER’S AGENT IF THE HEARING AUTHORITY FINDS THAT SUCH AN ARRANGEMENT WILL ENSURE THAT THE USE WILL BE PROPERLY MAINTAINED AND MANAGED IN ACCORDANCE WITH ALL CRITERIA AND CONDITIONS.
- G. THE MAXIMUM FLOOR AREA RATIO (“FAR”) FOR THE GUEST HOUSE SHALL BE 0.5 FAR.
- H. THE USE SHALL HAVE A MINIMUM OF 15 GUEST ROOMS AND A MAXIMUM OF 19

GUEST ROOMS.

- I. ON-SITE PARKING SHALL MEET, BUT NOT EXCEED, MINIMUM PARKING REQUIREMENTS FOR HOTEL AND MOTEL USES. PARKING SHALL BE LIMITED TO APPROVED PAVED PARKING SPACES AND THERE SHALL BE NO OFF-SITE OR VALET PARKING.
- J. MEALS MAY BE SERVED, HOWEVER, THERE SHALL BE NO PUBLIC RESTAURANT USE.”.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The amendment was approved.

The roll call vote called by the Chairperson on the Bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

CB7-2012 as amended was passed.

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Council Bill 8-2012 (ZRA 136) - Introduced by the Chair at the request of The Liparini Company - AN ACT amending the Howard County Zoning Regulations to permit the MXD District regulations to reduce the minimum percentage of employment use land area which may be used in MXD-6 developments that provide age-restricted adult housing from 9% to 7%; and generally related to employment use land area in MXD.

The Chairperson moved to approve CB8-2012. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the Bill was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

CB8-2012 was passed.

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Council Bill 9-2012 - AN ACT repealing the requirement that the County fire and rescue tax be based on separate districts; removing certain obsolete language; making certain technical corrections; providing for the application of this Act; providing that this Act may be construed to apply only prospectively and may not be construed to apply to certain matters arising before a certain date; and generally relating to the County fire and rescue tax.



The Chairperson moved to approve CB9-2012. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the Bill as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

CB9-2012 was passed.

### **Tabled Legislation**

Council Resolution No. 150-2011 – Introduced by, Greg Fox – Proposing to add a section to Article VIII. “Centralized Purchasing” of the Howard County Charter to limit the exercise of the power of eminent domain so that the power is used only for public purposes and not for private economic development, and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

Council Bill No. 3-2012 (ZRA -135) - Introduced by, Chair at the request of Viram Patel - Amending the Howard County Zoning Regulations to amend the Riding Academies and Stables Conditional Use category to change required setback provisions; and generally relating to Riding Academies and Stables.

Council Resolution 17-2012 - A RESOLUTION confirming the appointment of Rosemary Brown Beakes to the Howard County Local Children’s Board.

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Council Resolution 27-2012 - A RESOLUTION confirming the reappointment of Lynn Parlett Moore to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board.

Council Resolution 28-2012 - A RESOLUTION confirming the reappointment of Deborah St. Lawrence Thompson to the Howard County Local Children's Board.

The Chairperson adjourned the legislative session at 8:03 p.m.

The County Executive has returned CB 57-2011 to the Council unsigned on March 15, 2012. The result of which is that the Redistricting Commission's Plan takes effect by operation of law under Charter Section 202(f). [Note to staff – a pdf of the letter is in the journals folder.]